

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JARED M. DIEHL,

Defendant.

Case No. 4:22CR00055 RLW

**MOTION OF THE UNITED STATES
FOR A FINAL ORDER OF FORFEITURE**

COMES NOW the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Kyle T. Bateman, Assistant United States Attorney for said District, and moves this Court to issue a Final Order of Forfeiture in the above-captioned case. In support thereof, the United States sets forth the following:

1. On December 5, 2022, this Court entered a Preliminary Order of Forfeiture pursuant to Title 18, United States Code, Section 2253, ordering the forfeiture of any visual depiction as described in Sections 2251, 2251A, 2252, 2252A or 2260 of Title 18, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Chapter 110 of Title 18; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from said offense; and any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property; and the following property (the "Subject Property"):

a. Toshiba Laptop, S/N: X027898K, with hard drive.

2. Based upon the evidence in Defendant's Plea Agreement, the United States has established that Defendant had an interest in the Subject Property and that the requisite nexus exists between the Subject Property and the offense to which Defendant has pleaded guilty.

3. Pursuant to Federal Rule of Criminal Procedure Rule 32.2(b)(6) and Title 21, United States Code, Section 853(n)(1), the United States posted notice of the Preliminary Order of Forfeiture on an official internet government forfeiture site (www.forfeiture.gov) for at least 30 consecutive days beginning on December 16, 2022, and ending on January 14, 2023. Said published notice advised all third parties of their right to petition the Court within thirty (30) days of the publication date for a hearing to adjudicate the validity of their alleged legal interest in the Subject Property.

4. The United States also sent direct written notice, to the extent practicable, to any person who reasonably appeared to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

5. No third party has made any claim to or declared any interest in the Subject Property within the time permitted under the applicable statutes.

6. Because no party has timely filed a petition claiming an interest in the Subject Property, the Preliminary Order should now be made final pursuant to Federal Rule of Criminal Procedure 32.2(c)(2).

WHEREFORE, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, the United States moves this Court for a Final Order of Forfeiture declaring the Subject Property as set forth in paragraph 1 above to be forfeited as to all parties, vesting full right, title, and interest in the Subject Property in the United States, directing that the Subject Property be disposed of

according to law. The United States submits herewith its proposed Final Order of Forfeiture.

Dated: August 24, 2023

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

/s/ Kyle T. Bateman

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